

Department of State

§ 42.2

Subpart F—Numerical Controls and Priority Dates

- 42.51 Department control of numerical limitations.
- 42.52 Post records of visa applications.
- 42.53 Priority date of individual applicants.
- 42.54 Order of consideration.
- 42.55 Reports on numbers and priority dates of applications on record.

Subpart G—Application for Immigrant Visas

- 42.61 Place of application.
- 42.62 Personal appearance and interview of applicant.
- 42.63 Definitions.
- 42.64 Passport requirements.
- 42.65 Supporting documents.
- 42.66 Medical examination.
- 42.67 Execution of application, registration, and fingerprinting.
- 42.68 Informal evaluation of family members if principal applicant precedes them.

Subpart H—Issuance of Immigrant Visas

- 42.71 Authority to issue visas; visa fees.
- 42.72 Validity of visas.
- 42.73 Procedure in issuing visas.
- 42.74 Issuance of new or replacement visas.

Subpart I—Refusal, Revocation, and Termination of Registration

- 42.81 Procedure in refusing individual visas.
- 42.82 Revocation of visas.
- 42.83 Termination of registration.

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Subpart A—Visa and Passport Not Required for Certain Immigrants

§ 42.1 Aliens not required to obtain immigrant visas.

An immigrant within any of the following categories is not required to obtain an immigrant visa:

(a) *Aliens lawfully admitted for permanent residence.* An alien who has previously been lawfully admitted for permanent residence and who is not required under the regulations of the Department of Homeland Security to present a valid immigrant visa upon returning to the United States.

(b) *Alien members of U.S. Armed Forces.* An alien member of the U.S. Armed Forces bearing military identification, who has previously been lawfully admitted for permanent residence and is coming to the United States under official orders or permit of those Armed Forces.

(c) *Aliens entering from Guam, Puerto Rico, or the Virgin Islands.* An alien who has previously been lawfully admitted for permanent residence who seeks to enter the continental United States or any other place under the jurisdiction of the United States directly from Guam, Puerto Rico, or the Virgin Islands of the United States.

(d) *Child born after issuance of visa to accompanying parent.* An alien child born after the issuance of an immigrant visa to an accompanying parent, who will arrive in the United States with the parent, and apply for admission during the period of validity of the visa issued to the parent.

(e) *Child born of a national or lawful permanent resident mother during her temporary visit abroad.* An alien child born during the temporary visit abroad of a mother who is a national or lawful permanent resident of the United States if applying for admission within 2 years of birth and accompanied by either parent applying and eligible for readmission as a permanent resident upon that parent's first return to the United States after the child's birth.

(f) *American Indians born in Canada.* An American Indian born in Canada and having at least 50 per centum of blood of the American Indian race.

§ 42.2 Aliens not required to present passports.

An immigrant within any of the following categories is not required to present a passport in applying for an immigrant visa:

(a) *Certain relatives of U.S. citizens.* An alien who is the spouse, unmarried son